

## SENATE BILL No. 69

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DIGEST OF SB 69 (Updated January 11, 2006 4:08 pm - DI 75)

**Citations Affected:** IC 8-1.

**Synopsis:** Governance of rural telephone cooperatives. Specifies that, in an election for a director of a rural telephone cooperative corporation, the corporation's bylaws may provide that if more than two persons run for election as a director from the same district, the person receiving the most votes is elected, regardless of whether that person receives a majority of the total votes cast by those members present and voting at the meeting at which the election occurs.

**Effective:** Upon passage.

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### Weatherwax, Landske

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January 9, 2006, read first time and referred to Committee on Commerce and Transportation.  
January 12, 2006, amended, reported favorably — Do Pass.

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January 13, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 69

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A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-1-17-9 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A cooperative  
3 corporation may issue to its members certificates of membership and  
4 each member shall be entitled to only one (1) vote on each question or  
5 election at any regular or special meetings of the cooperative  
6 corporation.  
7 (b) Meetings of members may be held at such place as may be  
8 provided in the bylaws. An annual meeting of the members shall be  
9 held at such time as may be provided by the bylaws. Special meetings  
10 may be called by the board of directors, by a petition signed by not less  
11 than five percent (5%) of all the members, or by such other officers or  
12 persons as may be provided in the articles of incorporation or by the  
13 bylaws.  
14 (c) Written or printed notice stating the place, day, and hour of the  
15 meeting of members, and, in the case of a special meeting, the purpose  
16 or purposes for which the meeting is called, shall be delivered not less  
17 than ten (10) nor more than thirty (30) days before the date of the

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meeting, either personally or by mail, by or at the direction of the officers or persons calling the meeting, to each member of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mails in a sealed envelope addressed to the member at ~~his~~ **the member's** address as it appears on the records of the cooperative corporation, with postage prepaid. Notice of meetings of members may be waived in writing.

(d) Unless otherwise provided in the articles of incorporation, two percent (2%) of all the members of the cooperative corporation present in person at any meeting of members, of which meeting notice shall have been given as provided in ~~the foregoing subdivision~~ **subsection (c), of this section**, shall constitute a quorum for the transaction of business at such meeting.

(e) **Except as provided in subsection (f)**, a majority vote of those members who are present in person **and voting** at any regular meeting, or at any special meeting of the members called for that purpose, shall be necessary for the taking of any action, adoption of any resolution, or the election of any **directors or** officers, or otherwise, as the case may be.

(f) **This subsection applies to an election for a director of a cooperative corporation held after March 20, 2006. A cooperative corporation may provide in the corporation's bylaws that if more than two (2) persons run for election as a director from the same district, the person receiving the most votes is elected, regardless of whether that person receives a majority of the total votes cast by those members present in person and voting at the meeting at which the election occurs.**

SECTION 2. An emergency is declared for this act.

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## SENATE MOTION

Madam President: I move that Senator Landske be added as second author of Senate Bill 69.

WEATHERWAX

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 COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill No. 69, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 20, delete "June 30" and insert "**March 20**".

Page 2, after line 26, begin a new paragraph and insert:  
 "SECTION 2. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to SB 69 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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